

Panaji, 2nd August, 2022 (Sravana 11, 1944)

SERIES III No. 17

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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EXTRAORDINARY

No. 2

Government of Goa

Department of Home

Home—General Division

Office of the District Magistrate, North Goa
Magisterial Branch

Order

No. 8/8/2022-MAG/L&O/Panchayat Elect/
/Dry Day/1692

U/S 144 of Criminal Procedure Code, 1973

Whereas the Goa State Election Commission has announced the Goa Panchayat Elections 2022 in North Goa District scheduled to be held on 10-08-2022 and Counting of polled votes fixed on 12-08-2022. The Model Code of Conduct has already come in to force with immediate effect. The Goa State Election Commission has issued directions to ensure free, fair, and peaceful Elections;

And Whereas the Government of Goa vide Notification No. 2/1/95-Fin(R&C)/Part(A)/612 dated 27-07-2022 has directed that all the licensed premises "for the sale of liquor" in the State of Goa shall be closed on 09-08-2022, 10-08-2022 and 12-08-2022 in the entire State of Goa on account of Polling day and Counting of Votes for the General Elections to Village Panchayat 2022;

And Whereas Section 29(A) of Goa Excise Duty Act, 1964 empowers the District Magistrate to order the closure of the licensed premises "for the sale of liquor" within his/her jurisdiction for such period as may be necessary and appropriate for maintenance of law and order.

And Whereas in my considered opinion, there is sufficient grounds for proceeding under sub-section

(1) of Section 144 of Code of Criminal Procedure, 1973 for closure of all the licensed premises "for the sale of liquor" within North Goa District on 09-08-2022, 10-08-2022 and 12-08-2022, in view of polling and counting of votes for General Election to Village Panchayat 2022;

And Whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973 I hereby pass the order ex-parte.

Now Therefore, I, Mamu Hage, IAS, District Magistrate, North Goa District, in exercise of the power vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 read with Section 29A of the Goa Excise Duty Act, 1964 do hereby order that all the licensed premises "for the sale of liquor" shall remain closed on 09-08-2022, 10-08-2022 and 12-08-2022, in view of polling and counting of votes for General Election to Village Panchayat 2022.

Further, the licensed premises having license for Bar and Restaurant are allowed to keep the Restaurant open for serving food only and the Bar counter shall be closed and no liquor shall be allowed to be served on the above mentioned days and time. The owners of the licensed premises having Bar and Restaurant shall display a board in the premises stating that No Liquor will be served on the said days and time and that only the Restaurant is open for serving food.

Failure to comply with this order shall result in the cancellation of licences and the owner or offender shall be liable for penal action under Section 188 of Indian Penal Code, Section 30 of the Excise Duty Act, 1964 and other relevant provisions of laws in force.

Given under my hand and seal of this office, this 01st day of August, 2022.

Panaji.— The District Magistrate & DEO (North),
Mamu Hage, IAS.

Order

No. 8/8/2022-MAG/L&O/Panchayat Elect/
/200 mts/1695

U/S 144 of Criminal Procedure Code, 1973

Whereas the Goa State Election Commission has announced the Goa Panchayat Elections 2022 in North Goa District scheduled to be held on 10-08-2022 and Counting of polled votes fixed on 12-08-2022. The Model Code of Conduct has already come in to force with immediate effect. The Goa State Election Commission has issued directions to ensure free, fair, and peaceful Elections;

And Whereas there is possibility of political disputes, confrontation, violence and breach of peace on the eve of the poll mainly due to misuse of Hotels, Restaurants, Tea Shops, Pan Shops and other food shops/joints (Dhabas, Gaddas) etc., while carrying out door to door campaigning and due to gathering of crowd at places within the vicinity of 200 meters of the polling stations and Counting Centres which creates nuisance and law and order problems.

And Whereas Sections 171-B and 171-C of the Indian Penal Code (IPC) clearly disallow attempts of bribery and undue influence on any person or voter and whoever commits offence of bribery is punishable under Section 171-E of IPC and whoever commits the offence of undue influence or impersonation at an election is punishable under Section 171-F of IPC.

And Whereas, I am satisfied that the circumstances do not permit the serving, in due time, of the notices individually upon the persons against whom this order is directed and therefore, under the powers vested in me under sub-section (2) of Section 144 of the Code of Criminal Procedure, 1973, I hereby pass the order ex-parte.

Now Therefore, I, Mamu Hage, IAS, District Magistrate, North Goa District, in exercise of the powers vested in me under sub-section (1) of Section 144 of Code of Criminal Procedure, 1973 hereby issue following Prohibitory orders valid from 06.00 a.m. to 06.00 p.m. on the day of poll i.e. on 10-08-2022 and 06.00 a.m. till end of counting of votes on 12-08-2022;

1. That all Restaurants, Bars, Tea shops, Pan shops, Eateries and other Food shops/joints (Dhabas, Gaddas) etc., situated in Rural areas of Village Panchayat jurisdiction within 200 mtrs. of the polling station and Counting Centres of respective Talukas in North Goa District shall remain closed at aforesaid date and time.
2. Ban any gathering or crowd comprising of more than 5 persons within 200 meters of any polling stations of respective Talukas in North Goa District.

I further direct that the above restrictions shall not apply to public servants on duty and to bonafide marriage or funeral processions or religious processions/functions. Also, the above order shall not apply to the authorized officers on Election Duty by the State Government, including the polling officials, Magistrates, Police officials and Government staff.

Failure to comply with this order shall be liable for penal action under Section 188 of Indian Penal Code and other relevant provisions of laws in force.

Given under my hand and seal of this office on this 02 day of August, 2022.

Panaji.— The District Magistrate & DEO (North),
Mamu Hage, IAS.

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